



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,577	09/09/2003	Cedric Geffroy	RDN02125	3403

7590 09/16/2005

Jean-Louis SEUGNET
RHODIA INC.
259 Prospect Plains Road, Bldg. N-2
CRANBURY, NJ 08512-7500

EXAMINER

KHAN, AMINA S

ART UNIT	PAPER NUMBER
----------	--------------

1751

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/658,577

Applicant(s)

GEFFROY, CEDRIC

Examiner

Amina Khan

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-84 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44-78 and 81-84 is/are rejected.
- 7) ☒ Claim(s) 79 and 80 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 65 recites the limitation "according to claim 4" in line 1. There is insufficient antecedent basis for this limitation in the claim since claims 1-43 have been cancelled by the applicant. For current examination purposes the examiner interpreted the claim to be based on claim 44.

4. Claim 68 recites the limitation "according to claim 1) to 24)" in line 1. There is insufficient antecedent basis for this limitation in the claim since claims 1-43 have been cancelled by the applicant.

5. Claim 66 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

Art Unit: 1751

regards as the invention. The claim language is difficult to interpret (for example: neutral in the medium (MAV) and potentially anionic (HA) in the rinsing medium (MR)) and the examiner is unsure what the applicant is claiming. The examiner suggests that the applicant define the chemical composition not in terms of its physical nature but rather in terms of its chemical nature.

6. Claims 73-75 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner finds the claim language difficult to interpret even though examples are given in the specification. The examiner suggests that the applicant replace the claim language with a Markush group of polymers specified in the claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 44-63 and 81-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altmann et al. (US Publication #US 2005/0015888 A1).

9. The prior art of Altmann et al. teaches wrinkle resistant compositions comprising water insoluble lubricants polyalkyl or polyaryl siloxanes (page 4, paragraph 0078, lines 1-2; page 4, paragraph 0079, lines 1-2) which meets the claimed limitation of

Art Unit: 1751

organosilicon material in particulate form, polyacrylic acid (page 6, paragraph 0097, line 6) which meets the claimed limitation of vehicle comprising at least one organic polymer, water and mixtures of water and low molecular weight alcohols (page 19, paragraph 0288, lines 2-10) which meets the claimed limitation of aqueous or aqueous-alcoholic medium, and cationic surfactants (page 14, paragraphs 0204-0206), and compositions with a pH between 3 and 12 (page 23, paragraph 0336, lines 3-4) as claimed in claims 44-46, 48, 57 and 58. The prior art further teaches particles sized from 10-100nm (page 17, paragraph 0249, lines 8-9) as claimed in claim 47.

10. The prior art further teaches nonionic polyorganosiloxanes with methyl and phenyl substituents (page 4, paragraphs 0078-0081) which meets the claimed limitation of polymethylphenyl siloxane as claimed in claims 49, 50 and 53, and amino polyorganosiloxanes (page 15, paragraph 0220) as claimed in claim 51 with hindered piperidyl groups (page 16, paragraph 0239-0244) as claimed in claim 52.

11. The prior art of Altmann further teaches C8-C40 paraffin hydrocarbons (page 4, paragraph 0083, line 3) as claimed in claim 54. The prior art further teaches polymers of maleic acid and acrylic acid (page 6, paragraph 0097, lines 7-8) which meet the claimed limitations of claim 59, dimethylaminoethyl methacrylate (page 6, paragraph 0097, lines 33-34) which meets the claimed limitation of claim 60, and N,N-dimethyl acrylamide (page 6, paragraph 0097, line 45) which meets the claimed limitation of claim 61.

12. The prior art of Altmann et al. further teaches compositions comprising perfumes (page 21, paragraph 0320, line 1) as claimed in claim 81. The prior art further teaches processes for treating fabrics by contacting fabrics with the composition and soaking,

Art Unit: 1751

washing or rinsing (page 24, paragraph 0351, lines 1-5) as claimed in claim 82 to enhance wrinkle resistance and as an ironing aid (page 24, paragraph 0350 and 0351) as claimed in claim 83.

13. The prior art of Altmann does not teach with sufficient specificity cationic surfactants wholly or partly replaced by a nonionic surfactant when the material constituting the active substance is intrinsically cationic in the medium and remains insoluble in the medium and a rinsing medium which is capable of developing anionic charges in sufficient quantity to destabilize the active substance in the rinsing medium as claimed in claims 44-63 and 81-83. However, it would have been obvious of one of ordinary skill in the art to arrive at these properties because the broad teachings of Altmann et al. suggest the use of the same surfactants, rinsing mediums, and active substances at the same pH range recited by the instant claims.

14. The prior art of Altmann does not teach with sufficient specificity a polymer with an active substance to surfactant ratio of 0.01 to 10 as claimed in claim 55. However, it would have been obvious to one of ordinary skill in the art to arrive at this ratio because the broad teachings of Altmann et al. suggest the use of the same organosiloxanes, surfactants and medium at the same pH range as recited in the instant claim.

15. The prior art of Altmann also does not teach with sufficient specificity a polymer in dispersion with a zeta potential from 0 to +50mV as claimed in claim 56. However, it would have been obvious to one of ordinary skill in the art to arrive at this zeta potential because the broad teachings of Altmann et al. suggest the use of the same

Art Unit: 1751

organosiloxanes, surfactants and dispersion medium at the same pH range as recited in the instant claim.

16. The prior art of Altmann also does not teach with sufficient specificity a polymer in which the amounts of vehicle polymer, surfactant and active substance are such that in the course of the rinsing operation the number of anionic charges developed in the rinsing medium by the vehicle polymer is sufficient to destabilize the active substance in the rinsing medium as claimed in claim 62. However, it would have been obvious to one of ordinary skill in the art to arrive at such a composition because the broad teachings of Altmann et al. suggest the use of the same organosiloxanes, surfactants, rinsing medium, and vehicle polymer at the same pH range as recited in the instant claim.

17. The prior art of Altmann also does not teach with sufficient specificity a polymer wherein the number of anionic charges developed in the rinsing medium by the vehicle polymer to destabilize the active substance is between 1-200% relative to the number of cationic surface charges of the active substance in the medium as claimed in claim 63. However, it would have been obvious to one of ordinary skill in the art to arrive at such a composition because the broad teachings of Altmann et al. suggest the use of the same organosiloxanes, surfactants, rinsing medium, and vehicle polymer at the same pH range as recited in the instant claim.

18. Claims 64,65,67,69-72 and 76-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altmann et al. (US Publication #US 2005/0015888 A1) as applied to claim 44 above, and further in view of Barnabus et al. (US Patent #6,613,733 B1).

Art Unit: 1751

19. The primary reference of Altmann et al. is relied upon as set forth above. However, the primary reference does not teach the polysaccharides specified in claims 64,65,67,69-72 and 76-80. The primary reference invites the inclusion of saccharides (page 13, paragraph 0189).

20. The secondary reference of Barnabus et al. teaches wrinkle resistance providing compositions comprising galactomannan, rhamnan, gellan, wellan (column 8, paragraph 9, lines 7-13) as claimed in claims 64,65,69-71 and 77, and polysaccharides with carboxyl and hydroxymethyl substitutions (page 9, paragraph 6, lines 1-2) as claimed in claim 78 with molecular weights from 10,000 to 10,000,000 (column 8, paragraph 8, lines 1-3) as claimed in claims 67,72 and 76.

21. Thus, it would have been obvious to one of ordinary skill in the art to modify the primary reference by incorporating the polysaccharides of the secondary reference to arrive at the compositions recited by the instant claims with a reasonable expectation of success because the primary reference invites the inclusion of saccharides in compositions which impart wrinkle resistance when applied to fabrics in the rinse.

22. Claim 84 is rejected under 35 U.S.C. 103(a) as being unpatentable over Altmann et al. (US Publication #US 2005/0015888 A1) as applied to claims 44 and 82 above, and further in view of Price et al. (US Publication #US 2002/0111285 A1).

23. The primary reference of Altmann et al. is relied upon as set forth above. However, the primary reference does not teach the proportion of composition used in the rinsing bath as claimed in 84.

Art Unit: 1751

24. The secondary reference of Price et al. teaches rinse added fabric treatments comprising the same components as the primary reference {i.e. polyorganosiloxanes oils (page 6, paragraph 0074, lines 9-10); polyacrylic acid (page 9, paragraph 0123, line 4); surfactant (page 11, paragraph 0145-0146); and water or water/alcohol mixtures (page 17, paragraph 0129, lines 5-8)} added at 20 mL per 10L water (page 23, paragraph 0307, lines 3-5).

25. It would have been obvious to one of ordinary skill in the art to modify the primary reference by incorporating the proportions of the secondary reference to arrive at the compositions recited by the instant claims with a reasonable expectation of success because broad teachings of the primary reference suggest the use of the same components in the rinse bath. While the secondary reference does not teach with sufficient specificity the proportion of 0.001 to 5g/L of composition in the rinsing bath, and a conversion cannot be done to g/L without the density of the composition, it would have been obvious for one of ordinary skill in the art to arrive at that proportion as recited by the instant claims with a reasonable expectation of success because the broad teachings of the secondary reference encompass the proportion recited in the instant claim.

Allowable Subject Matter

26. Claims 79 and 80 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 1751

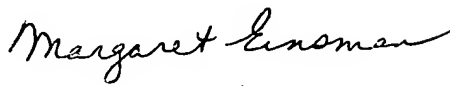
27. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not teach the claimed parts per weight of active substance, surfactant, and vehicle polymer as claimed in claims 79 and 80.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Amina Khan, PhD
Patent Examiner
September 12, 2005


MARGARET EINSMANN
PRIMARY EXAMINER
GROUP 1100